

RECEIVED

SEP 15 2022

AT 8:30 M
WILLIAM T. WALSH
CLERK

Ms. Demi Minor 494475E
GSI/CF
P.O. Box 11401
Yardville, NJ 08829

Re: Transgender Abused & Denied Surgery
TRO Requested

8/22/22

Dear clerk,

Please find enclosed my sixmonth account statement
my civil complaint & Please take notice I am requesting
TRO; EMERGENCY TEMPORARY ORDER; My
facility has placed me in solitary & I currently
have limited to no access to Law Library.

Thank-You in advance for your time & help
in this matter.

Demi Minor

Demi

FORM TO BE USED BY A PRISONER IN FILING A
CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Demi Minor

(Enter above the full name of the plaintiff in this action)

COMPLAINT

v.

Civil Action No. _____

(To be supplied by the Clerk of the Court)

Helena Tome

Victoria Kuhn

Alfred Kandell

Erica Stem

Jane & John Doe

(Enter above the full name of the defendant or defendants
in this action)

INSTRUCTIONS -- READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$350.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

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Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1. Jurisdiction is asserted pursuant to (CHECK ONE)



42 U.S.C. § 1983 (applies to state prisoners)



Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below: Supplemental jurisdiction (New Jersey civil rights Act)

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

- a. Parties to previous lawsuit:

Plaintiff(s):

W/A

Defendant(s):

W/A



- b. Court and docket number: _____
- c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted

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- d. Approximate date of filing lawsuit: N/A
- e. Approximate date of disposition: N/A

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Garden State Youth Correctional facility

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

a. Name of plaintiff: Demi Minor

Address: P.O. Box 11401

Yardville NJ 081

Inmate #: 494475E

b. First defendant -- name: Helena Tome

New Jersey Department of Corrections
Official position: Assistant Commissioner of Women's services

Place of employment: New Jersey Department of corrections

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

she is the chair of the PREA Accomodation Committee
which is responsible for the housing of Trans Transgender
Inmates.

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c. Second defendant – name: Alfred Kendall

Official position: Division of operations Director

Place of employment: New Jersey Department of corrections

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

See attached complaint

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

I have authored 10-15 grievances & complaints, they have been closed out & exhausted as of this date.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

N/A

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6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

On June 24, 2022, I Demi Minor who is a ~~male~~ ^{female} Transgender, was removed from Edna Mahon correctional facility for women & instead I was shipped to a male facility. Ms. Tome & Mr. Kendall deprived me of a fair hearing to contest this transfer. And attempted to use grievances that I wrote to justify placing me in a male facility. In April 2022 NODOC stated that two women were pregnant after having consensual sex with another inmate. That other inmate was identified as me. Defendant Tome & Kendall on numerous occasions tried to persuade me to go back to a male facility. I was also threatened that if I did not go to a male facility I would be shipped out of state. In April I located a attorney that helped me solely with the transfer issue (out of state). At this time I learned that I was being double punished & discriminated against. I explained that I did not feel safe going out of state & explained that I felt like I would be raped or further abused. When I wrote these grievances & others I was engaged in constitutionally protected activity (1st Amendment) and Defendant Stem, Tome & Kendall

(Statement of Claims - Continued)

knew that I was not safe in a male facility. Yet because of pressure from the press & my continued submitting of grievances, they eventually removed me from solitary, placed me in a vulnerable population unit they created & then 16 hours later I was placed in handcuffs denied my right to be present for a hearing & informed that I was being sent to a male facility.

I had make up on which was observed by medical staff I also had my Bra on which was ^{observed} ~~observed~~ by medical I began to refuse to get on the van at which time Director Kendall gave several Director orders to staff to force me onto a stretcher & place me in a van to escort me to a male facility.

Defendants Stern, Tome, Kendall gave no consideration to my views of safety & violated my right to be treated equally to all other female inmates. At the time I was found guilty of 1 disciplinary Charge .051 engaging in sexual acts with others & Defendants attempted to use my grievances as a pretextual reason to move me to a male facility.

While I have been housed at the male facility, I have been threatened by inmates who have said they were going to rape me, one inmate slapped my butt & said "that shd fat" another inmate has spit on me. In addition I have been placed in a unit that is designated as a vulnerable population unit. Yet I'm housed with men who have sex crimes against women, I'm on the wing with active gang members & other men who have flashed me their penises. I have at times considered killing myself & have thought about tying a rope around the bed rail & hanging

On 7-8-22 I filled a appeal pursuant to NJDOC Policy they had 7 days to answer me back however it took 30+ days to answer me back I recieved a answer from Defendant Kuhn who ordered that I be given another hearing (see attached). Defendant Stem was aware that I was transgender & that I was not safe in the male facility the institution & Defendants in a knee jerk reaction placed me in this dangerous ^{facility} ~~facility~~ where I am suffering.

With regards to my Transition Since the age of 8 I have ~~desired to be~~ felt as if I was not a boy. I entered the prison system at the age of 16 & NJDOC did not have a policy or process for inmates to say they were transgender however in 2019 there began to be a shift where Doc began to develop a process for inmates to seek Gender Based Housing & Accomodations. In 2019 I revealed my Gender to NJDOC, I was Diagnosed with Gender Dysphoria in 2019 & begun taking hormones again. I started at 5 mg 10 mg & am now on 20 mg of Estrogen every 2 weeks, because of this I developed breast, a feminine shape & softer skin, I wear Bras, gaffs, & female underwear these things are apart of me yet they place my safety in jeopardy while house within a male facility.

SURGERY (Delays & harm)

I have been seeking ~~sex~~ gender affirming surgery for well over a year. NJDOC has failed to provide me with effective

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SURGERY (Delays & harm)

I have been seeking ~~sex~~ gender affirming surgery for well over a year. NJDOC has failed to provide me with effective

Medical treatment; I went out to a specialist in October 2021, this Dr. wrote a attestation letter on my behalf, saying that I was ready for surgery. I then brought this letter back to my medical Doctor at EMCF, she then said it would be referred, week went by & I heard nothing. Eventually I was told that I was 4th on the list. At no time did I have mental health approval for this surgery; I then asked mental health to help me with this matter & I was advised that medical must write a letter so then EMCF Medical wrote a attestation letter (see _____) Yet when I arrived to GSYCF, I was advised another letter would be needed. I have been going through the same delays for nearly a year mentally its breaking me & I feel like Doc is stalling. In addition to this I am approved for bottom surgery (removal of testes) to date. No progress has been made on this request. Upon information & belief no pre operative transgender women in MS Doc custody has been provided with a gender affirming surgery. These Delays are wrong & points to Deliberate indifference for Medical.

Most importantly is the Dr's I'm currently seeing know nothing or very little about Gender affirming items, surgery, hormones. This has caused a lot of issues, for example my estrogen level was very high & Dr. Inner said "well stop taking it"

At one point things got so bad that I wrapped a string around my testicles & began slashing my testicles with a razor, after 2 hours I opened my ~~scrotum~~^{scrotum} & wanted to cut my testicles out. After losing so much blood I became dizzy & went to medical where a code "53" was called & 911 was notified. I was sent to the hospital & received stitches.

Prior to me mutilating my Genitals, I had a meeting with the PAC committee, Defendant Tome & Kendall was present. Defendant Tome told me that regardless of what I do biologically I'm still a man. In addition to this Defendant Kendall became angry & threatened that if I keep writing grievances he would send me to New Jersey state prison (Maximum security) & place me in protective custody with other men. I explained to him that I was not safe in the male prison & Defendant Tome suggested that I was not compliant with my hormones, this was later determined to be untrue. Not only am compliant with my hormones but I am on the max dose & have my hormones within the recommended levels; Estrogen 210 & testosterone 10; I explained this to Defendant Tome who already had her mind made up.

As current I have been in Garden State Youth Correctional facility & it's at the direction of Defendant Tome, Kuhn & Kendall,

When Doc learned that two inmates were pregnant, they immediately blamed me & placed me in solitary. It was later learned that one of the inmates was spending nights (8 hours) (3 shifts) in my cell, several officers knew about this & did nothing. The inmate would place a dummy in her bed & then sneak into my room. This went on for 3-4 months.

I was eventually sent to solitary sanctioned to 90 days RTH, & then hit with a Non ^{consue} Consual out of state transfer request. Out of the 3 of us who received charges I was the only one facing being shipped out of state. This caused me fear anxiety & made me want to kill myself.

One of the inmates who was said to be pregnant admitted to me that the child could have been someone else's & that she was having sex with another person.

Nevertheless NDOC still asserted that I was the parent, subsequently this inmate terminated her pregnancy. There was never a DNA test done.

Defendants Tome, Kuhn, Kendal & Stern used this incident against me to justify placing me in a male facility where I am several times more likely to be sexually assaulted & commit suicide, which some of these things have already happened.

When I leave the unit, I fear being attacked & not being able to defend myself, I believe that because I am on hormones my strength is very diminished which makes it hard to fight back.

When I get spit on several other inmates laughed & mocked me having on make-up.

Defendant Kandell & Tome are the individuals who run this unit right now, were all my request must go to them for approval. Just like my request to be returned to Edna Mahan Correctional Facility/ Defendant Kandell, Tome, & Jane doe denied such request despite the fact that I am a ~~man~~ woman.

As current I do fear that I will be assaulted as the court does not intervene, NJDC is likely to cite some form of safety as a Pretext Justification for removing me from EMCF. However, Their action points to discrimination, where as solely because I'm transgender, I was the only person moved to a facility incongruently with my Gender Identity. Defendants had other option such as Protective custody, Management control unit, Temporary Administrative housing, Prior to making such a dangerous decision. I believe that these Alternatives where not used on me solely because I'm transgender.

Another example is when I asked about removal of my facial hair electrolysis, Dr. Inna said that Doc does not offer that & she was not going to order it. Since I've been here it's been struggle after struggle, the nurses seem to be insensitive to transgenders. Some of them have referred to me as "he" & "him" in my medical chart. Despite the fact that my chart clearly says at the top female () these things have made me fear my medical treatment. All Doctors that I've seen have not treated within correction a patient with Gender Dysphoria. There are inmates at Garden State Youth Correctional Facility & I am the only one on hormones, wearing make up, & awaiting surgery.

Fear & Violence

When inmates fight officers call "Code 33" on their radio. This puts the inmates (entire unit) in lock down until the problem is fixed. Since I have been here (5-6 weeks) there have been stabbings & really bad fights. I don't wonder if it will happen to me... I wonder when will it happen to me. Although Defendant Tome & Kendall rushed to create a "Vulnerable Population" unit the violence & threats to my safety are very much still present. This Vulnerable Population (VP) unit was created the day I came here; It's still unknown if defendants have even developed a policy for this unit. What's clear is when I am housed with me I am subject to sexual harassment.

As a woman who is transgender, I am just as vulnerable to manipulation, abuse & exploitation as the women at Edna Mahan Correctional Facility. When I arrived I did very good & adjusted without issue later on I became a law library volunteer & a unit ~~rep~~ representative. In addition I was picked to meet regularly with NJ Commissioner Kohn & Tame about issues at EMCF.

The fact that I felt alone & at one point was involved romantically with another inmate, has led to NJDOC metting out a punishment that is cruel i.e. Incongruent housing, safety, & inadequate medical care. Although I was involved in consensual relationship the NJDOC has responded to this as if I have raped someone & has attempted to pressure some people into saying I raped them. Even other inmates believe that they can gain money from this situation which I believe may or already has resulted in false Prison complaints which has been noted by the federal monitor.

Difference in treatment

I served a total of 81 days in solitary for 1 charge. My entire time at EMCF, I've seen inmates receive the same charge & have everything (sanctions) suspended especially if like me you were charge free for 2 years, regardless I served my 81 days ~~but was only released because~~ the the moment I was released I was placed in a male

prison. NJDOC requested to 6 Different states to accept me as a female prisoner & house me in a female Prison, all six states declined.

NJDOC & Defendants assert that if I return to EMCF I am likely to get someone pregnant. Inmates are not allowed to have sex & officers are suppose to do rounds every 15 minutes. The truth is this was Not happening which is why the environment was unstructured, hence with adequate supervision the Doc has no argument for Denying me housing in EMCF.

I have taken responsibility for my actions & served my Rtd time but it feels like NJDOC does not want to admit that it failed to supervise its Inmates, especially the one who spent several nights in my cell. Along with this Doc has placed my life in danger with a ^{Preliminary} Injunction from this Court. I fear that I will die by suicide, harm my myself be beaten & or raped.

On 8/23/22, I was Placed in Garden state Youth Correctional facility (Detention Unit); During my ^{time on this} status I was, not giving any underwear & Deprived of a shower.

I explained that During the Prior week I was raped by another inmate in a utility closet, the inmate on numerous occasions told me I look cute & then one day while he was working in the hall, he told me to come to a closet with him. I followed & when I got to the closet, he exposed his penis & began trying to insert it into my anus, while forcefully pushing me against the wall.

I did not shower & eventually went to the emergency room where I accepted a Rape kit & SANE examination. Subsequently Garden state staff, Placed me in Solitary, where I have been spending upwards of 20+ hours a day in the cell alone. I have had inmates expose their penis to me & I have repeatedly been called faggot, dick sucker & misgendered, this treatment has made me want to kill myself, it's made me sad depressed & a violation to my right to be free from cruel & unusual punishment.

In addition to this I have continued to not have my hormone levels monitored, Blood work has not been done to ensure that I'm medical safe to do

hormones, this is despite recommendations from a specialist. It's been horrible over here whereas I'm on my own & having to beg Defendant Inna Vaynberg for various transgender accommodations, she has repeated "I don't know anything about this" "I don't believe in any of this". Defendant Vaynberg has been the Dr. that I've seen relative to ~~these~~ these issues, she has refused to have me evaluated for electrolysis (removal of facial hair). She has also refused to provide me with an attestation letter for my surgery. Dr. Ashan who works with Inna Vaynberg has also refused to provide me with an attestation letter, despite knowing that I need this so that I could be seen by a surgeon. Both Doctors have repeated that they are not familiar with the care & treatment of transgenders.

I am seeking a TRO to order defendants to provide me with surgery, to ensure that my hormone levels are not dangerously high, to also reconsider my housing by competent people trained about the health & safety of Transgender people.

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7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

A Preliminary Injunction ordering Defendants to remove me
from the male facility

A Emergent motion ordering Defendants to Provide me with Surgery
As well as any relief the court deems necessary

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial

☐ Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of August, 2022.


Signature of plaintiff¹

¹ EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.

Continued page for parties in Civil Rights complaint

Third Defendant-name: **Victoria Kuhn**

Official Position: **New Jersey Department of Corrections Commissioner**

Place of employment: **New Jersey Department of Corrections**

How is this person involved in the case?: **SEE ATTACHED COMPLAINT**

Fourth Defendant-name: **Erica Stem**

Official Position: **Edna Mahan Correctional Facility Administrator**

Place of employment: **New Jersey Department of Corrections**

How is this person involved in the case?: **SEE ATTACHED COMPLAINT**

Fi Third Defendant-name: **Dr. Herbert Kaldany**

Official Position: **Mental Health director**

Place of employment: **New Jersey Department of Corrections**

How is this person involved in the case?: **SEE ATTACHED COMPLAINT**

Sixth Defendant - Name: *Inna Vaynberg*

Official Position: *Treating Doctor*

Place of employment: *Garden State Youth Correctional Facility*

How is this person involved in the case? *See Attached complaint*

Seventh Defendant: *Abu Ashan*

Continued from the original statement

My biggest fear is that I am going to die hear or get seriously hurt, I spent my last two years around sisters who encouraged me and helped through my transition, and now I am around a bunch of aggressive ^{Men} who now want to fight me simply because they perceive or think that I am weak.

The DOC, disregarded my right (if I have one) to get a fair and impartial hearing, as Defendant Tome said "you need to prove to use that you deserve to be in Clinton" "the facts remains that am a woman who is on hormones and awaiting surgery" "these surgeries are going to further me in my transition, yet they will also make me more susceptible to abuse at the hands of these kids...The members of the PAC (defendants) chose to put me in the most dangerous youth facility in the state.

I have considered stopping my hormones, so that I could build strength, but I have decided that I am not going back to hiding who I am, so each morning I wake up and Place my make up on and continue to me, yet I am shoved by other inmates spit on and at times, threatened, its these things that give me anxiety and cause me self-loath, as the desire to want to kill myself.

Throughout this whole deal, Division Directors have threatened to send me out of state if I press this matter. I now feel like I have a right to challenge the decisions made by NJDOC especially if Defendants actions have caused me to be exposed to harm or substantial risk of harm.

I declare under penalty of perjury that the forgoing is true and correct.

 8/22/22